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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

EDUARDO D. LIBRES, an individual,

Plaintiff,

v.

BANK OF AMERICA et al.,

Defendants.

2:11-CV-115 JCM (LRL)

**ORDER**

Presently before the court is defendant Lawyers Title of Nevada, Inc.'s motion for judgment on the pleadings. (Doc. #21). To date, the plaintiff has failed to respond.

Pursuant to Local Rule 7-2(b), an opposing party's failure to file a timely response to any motion constitutes the party's consent to the granting of the motion and is proper grounds for dismissal. *U.S. v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). However, prior to dismissal, the district court is required to weigh several factors: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions." *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (citing *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)).

In light of the plaintiff's failure to respond and weighing the factors identified in *Ghazali*, the court finds dismissal appropriate.

1 Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion for  
3 judgment on the pleadings (doc. #21) be, and the same hereby is, GRANTED. The case is hereby  
4 dismissed without prejudice as to defendant Lawyers Title of Nevada, Inc.

5 DATED September 6, 2011.

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8 UNITED STATES DISTRICT JUDGE